

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
WILLIAM R. GRACE : CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2021-03

DECISION GRANTING VARIANCES
AND SPECIAL EXCEPTION

The Applicant seeks variance and special exception relief to erect storage units on an improved property. A hearing was held before the Board on May 20, 2021.

FINDINGS OF FACT

1. Notice of the hearing was properly advertised, the subject property was posted, and all property owners required to be notified of the hearing were notified in accordance with the Codified Ordinances.

2. The Applicant is William R. Grace, represented by Ronald M. Lucas, Esquire. The Applicant has a mailing address of P.O. Box 301, New Cumberland, PA, and is the owner of the subject property.

3. The subject property is a lot of approximately 1.22 acres of land in a I-3 zoning district, known as 1600 Hummel Avenue.

4. The subject property is improved with an office building, a storage building, a shed, a billboard and related parking and access drives.

5. The subject property is bounded on the south by Hummel Avenue, and is located in a predominately industrial area.

6. The subject property is narrow and irregular, having frontage on Hummel Avenue of 542.5 feet, a western boundary of 106.2 feet, and an eastern boundary of only 58 feet.

7. The subject property is encumbered by utility rights-of-way along its frontage on Hummel Avenue.

8. The existing buildings are located on the northern boundary, and no rear yard exists. Existing impervious coverage is 88%. These conditions are legally nonconforming.

9. The Applicant proposes to remove the shed, and erect 10 storage units, two of which will be located west of the office building, and eight of which will be located between the existing buildings.

10. The proposed storage units will be erected no closer than four feet from the rear (northern) property boundary, but will encroach into the required rear yard.

11. There will be no space between the proposed off-street parking spaces in front of storage units 1 through 5 and the storage units.

12. The Applicant proposes to plant shrubs instead of trees along Hummel Avenue and in the area west of the 2 proposed storage units closest to the western boundary, because trees would interfere with the existing utility rights-of-way and billboard.

13. The Applicant proposes to provide 31 off-street parking spaces. Based upon his experience in operating similar facilities, Applicant believes 31 spaces will be adequate for the proposed uses.

14. The Applicant intends to reduce impervious coverage by establishing new lawn areas north and east of the existing storage building and between the office building and proposed storage unit 3.

15. Applicant will lease office space only to tenants of storage units, and will limit to two the number of off-street parking spaces which can be used by a tenant.

16. John Eby alerted Applicant that it is possible that he will be required to comply with code requirements relating to fire resistant building materials and limitations on openings in exterior walls.

17. No one objected to the requested relief.

CONCLUSIONS OF LAW

1. Under Sections 220-266 and 220-269(B)(5) and (C) of the Codified Ordinances, the Zoning Hearing Board has jurisdiction to hear and decide a request for a variance.
2. Section 220-102(A)(3) of the Codified Ordinances requires a minimum rear yard depth of 35 feet in an I-3 zoning district.
3. Section 220-242(L)(2)(a) requires that all parking spaces be located at least 10 feet from any nonresidential building on the lot.
4. Section 220-200 (A) and (B) require the use of trees as front yard and parking area landscaping.
5. The unusual shape of the subject property, and the location of the utility rights-of-way and existing buildings combine to create an unnecessary hardship.
6. Variance relief is necessary to enable the reasonable use of the subject property.
7. The unnecessary hardship has not been created by the Applicant.
8. The requested relief will not alter the essential character of the district in which the subject property is located, nor substantially or permanently impair the appropriate use or

development of adjacent property, nor be detrimental to the public welfare.

9. The requested variances represent the minimum variances to afford relief.

10. The requested variances are dimensional in nature.

11. The Board's jurisdictional authority to decide a request for a special exception is provided in Sections 220-269(B)(6) and (D) of the Codified Ordinances.

12. The Codified Ordinances require a total of 51 off-street parking spaces for the existing and proposed uses on the subject property.

13. Section 220-241 of the Codified Ordinances authorizes the Board to reduce, by special exception, the number and size of off-street parking space requirements where the Applicant can justify the reduction and still provide adequate off-street parking facilities.

14. The Applicant has established to the Board's satisfaction that 31 off-street parking spaces will be adequate, and has demonstrated compliance with all of the standards and criteria for the requested special exception.

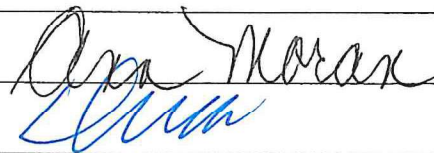
15. The proposed special exception will not be detrimental to the public health, safety or welfare.

DECISION

Based upon the foregoing findings and conclusions, and in consideration of the testimony and evidence presented to the Board, it is the decision of the Board that the Applicant's request for variance relief and a special exception be and is hereby granted, subject to the following conditions: 1) Applicant will lease office space only to tenants of storage units; 2) Applicant will limit to two the number of off-street parking spaces which can be used by a tenant; 3) Applicant shall reduce impervious coverage by establishing new lawn areas north and east of the existing storage building and between the office building and proposed storage unit 3, except for a sidewalk between a common restroom in the office building and the proposed storage units to the east thereof; and 4) Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Date: 6.2.2021



Solicitor